

6A-2.0020 Eligibility for Charter School Capital Outlay.

The following provisions are established for the determination of eligibility of charter schools pursuant to Section 1013.62, F.S. Except as expressly provided herein, proof of eligibility requirements must be provided to the Department by July 1 of the fiscal year for which the charter school seeks funding. The continuation of funding is dependent upon maintaining eligibility requirements during the fiscal year.

(1) A charter school may be considered a part of an expanded feeder chain under Section 1013.62, F.S., if it either sends or receives at least sixty (60) percent a majority of its students directly to or from a charter school that is currently receiving capital outlay funding in the same fiscal year for which the charter school seeks funding pursuant to Section 1013.62, F.S. A charter school must submit an application by the deadline in subparagraph (7)(a) of this rule. The Department shall determine eligibility by applying the feeder chain criteria in Section 1013.62(1)(a)1.c., F.S., to the fiscal year's data from the October full-time equivalent (FTE) student enrollment survey conducted pursuant to Section 1011.62(1)(a), F.S., in the same fiscal year for which the charter school seeks funding. The Department shall calculate the funding amount associated with a school for which enrollment projections are estimated to meet the feeder chain eligibility criteria and shall distribute funds generated by the formula in Section 1013.62, F.S., upon proof of an expanded feeder chain from the October FTE student enrollment survey data.

(2) Pursuant to Section 1013.62(1)(a)1.d., F.S., charter schools that have been accredited by the Commission on Schools of the Southern Association of Colleges and Schools may be eligible for charter school capital outlay. The eligibility requirement for satisfactory student achievement under Section 1013.62, F.S., shall be determined in accordance with the language in the charter contract and the charter school's current school improvement plan if the school has a current school improvement plan. A charter school receiving an "F" grade designation through the state accountability system, as defined in Section 1008.34, F.S., shall not be eligible for capital outlay funding for the school year immediately following the designation. Proof of accreditation by the Southern Association of Colleges and Schools Commission on Schools must be delivered to the Department by the deadline established in subparagraph (7)(a) for the fiscal year for which the charter school seeks funding to meet the eligibility requirement in Section 1013.62(1)(a)1.d., F.S. The continuation of funding is dependent upon maintaining accreditation during the current fiscal year. A charter school that expects to be accredited during a fiscal year shall include documentation of application for accreditation. The Department shall estimate the funding amount associated with a charter school anticipating accreditation during the fiscal year and distribute funds generated by the formula in

Section 1013.62, F.S., upon proof of final accreditation, if proof of accreditation for the school year is received by the Department prior to April 1 of the fiscal year for which the charter school seeks funding. If the Department does not receive proof of a charter school's official accreditation by April 1, the charter school shall be determined ineligible for that fiscal year.

(3) A charter school must have been in operation for two (2) or more full school years by July 1 of the fiscal year for which the charter school seeks funding to meet the eligibility requirement in Section 1013.62(1)(a)1.a., F.S.

(4) Satisfactory student achievement under Section 1013.62(1)(a)3., F.S., shall be determined by the school's most recent grade designation or school improvement rating from the state accountability system as defined in Sections 1008.34 and 1008.341, F.S. Satisfactory student achievement for a school that does not receive a school grade or a school improvement rating, including a school that has not been in operation for at least one school year, shall be based on the student performance metrics in the charter school's charter agreement. Allocations shall not be distributed until such time as school grade designations are known.

(a) A charter school that receives a grade designation of "F" or two (2) consecutive grades of "D" shall not be eligible for capital outlay funding.

(b) Beginning in the 2017-18 school year, a charter school that receives a school improvement rating of "Unsatisfactory" shall not be eligible for capital outlay funding.

(5) Eligibility for the additional school weight for free or reduced price lunch and the additional school weight for students with disabilities under Section 1013.62(1)(c)1., F.S., shall be determined by the student's status as reported in the fiscal year's October FTE student enrollment survey for the fiscal year in which funding is sought. The number of students eligible for free or reduced lunch for a school that provides free breakfast and lunch to all students under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010 shall be calculated by applying the multiplier authorized in Section 11(a)(1)(F)(vii) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) to the number of students reported to the Department as eligible for free meals based upon the Direct Certification determination. For schools that do not participate under the Community Eligibility Provision of the Healthy, Hunger-Free Kids Act of 2010, the number of students eligible for free or reduced price lunch shall be the number of students reported to the Department as eligible via the household meal application used by the district.

(6) A charter school whose most recent available audit, pursuant to Section 218.39, F.S., reveals any of the

financial emergency conditions provided in Section 218.503(1), F.S., is not eligible to receive charter school capital outlay.

(a) Upon notification pursuant to Section 1002.345, F.S., that a charter school's audit reveals one or more of the financial emergency conditions in Section 218.503(1), Florida Statutes, the Department shall immediately discontinue distributions of charter school capital outlay funding for the school.

(b) A charter school shall remain ineligible to receive charter school capital outlay until the school produces an annual financial audit conducted pursuant to Section 218.39, F.S., which does not reveal any of the financial emergency conditions in Section 218.503(1), F.S., at which time capital outlay funding shall be calculated in an amount proportionate to the number of months remaining in the fiscal year.

(7) Pursuant to Section 1013.62(5), F.S., the procedures for submitting and approving an application for funding and the procedures for documenting expenditures, are as follows:

(a) Charter schools must submit an application using form IEPC-CO1, Charter School Capital Outlay Application, effective October 2016 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-07464>), which is hereby incorporated by reference in the rule, which may be accessed through https://www.floridaschoolchoice.org/login/login_charter_school.asp. The application may be obtained by contacting the Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400. The Department will accept hard copy versions of the application. Hard copies should be sent to 325 West Gaines Street, Suite 1044, Tallahassee, Florida, 32399. Applications are due by July 1 of the fiscal year for which funding is sought. The Department may extend the deadline for all applications by posting the extended deadline on its website. The charter school shall include the purpose for which the funds will be expended. The Department shall review the application, determine eligibility, and direct the allocation and distribution of such funds in accordance with that determination.

(b) The Sponsor shall forward such funding pursuant to the provisions of Section 1002.33(17)(e), F.S., to any charter school that is determined to be eligible by the Department under this rule. The charter school shall include all disbursements and expenditures pursuant to Section 1013.62, F.S., in its monthly or quarterly financial statements pursuant to Section 1002.33(9)(g), F.S., and shall maintain all documentation of such expenditures and provide such documentation to the Sponsor upon request as necessary to monitor compliance with applicable law governing the proper use of such funds.

(c) If overpayments occur, the Department of Education will take any or all of the following actions: require a charter school to return the overpaid amount; adjust a school's allocations in future years; or seek to collect the overpayment in any manner authorized by law.

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